

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEWAUNE L. OWENS

Plaintiffs,

V.

**HARRIS COUNTY AND HCSO DEPUTY
M. RUDOLPH**

Defendants.

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CIVIL ACTION NO. 4:19-cv-0536

JURY DEMAND

DEFENDANTS' NOTICE OF REMOVAL

Defendants Harris County and Deputy Matthew Rudolph ("Defendants") file this Notice of Removal pursuant to 28 U.S.C. § 1441, and would respectfully show as follows:

1. Plaintiff Dewaune L. Owens ("Plaintiff") filed his Original Petition ("the Petition") on December 10, 2018 under Cause No. 2018-87651, in the 270th Judicial District Court of Harris County, Texas. Defendant Harris County was served with a copy of Plaintiff's Original Petition on January 23, 2019 and Deputy Matthew Rudolph was served on February 7, 2019.

2. Defendants' original notice of removal is being filed within thirty (30) days after service of the Plaintiff's Original Petition on Defendants which alleges a federal cause of action pursuant to 42 U.S.C. § 1983, and 1988. In his Original Petition, Plaintiff alleges that following his evasion of law enforcement, Defendant Deputy Rudolph released a K-9 who allegedly "viciously" attacked him. The suit alleges Deputy Rudolph violated his constitutional rights to be free from injury and the use of excessive force under 42 U.S.C. § 1983 by releasing the K-9 to allegedly assault him. Plaintiff further alleges the "foregoing acts, omissions and systemic failures constitutes a policy and/or practice which combine to

deprive” the Plaintiff of his federal and state constitutional rights. Plaintiff seeks damages for physical pain, mental anguish, physical impairment, medical expenses, loss of earning capacity, cost of suit and pre- and post-judgment interest.

3. Original jurisdiction of this Court is proper pursuant to 28 U.S.C. §§ 1441(a) and 28 U.S.C. § 1331. Venue in this Court is proper because Harris County, Texas is located within the Southern District of Texas and the Houston Division thereof. Removal to this Court is, therefore, proper under U.S.C. §§ 1441(a) and 1331. The Defendants, Harris County and Deputy Rudolph, consent to this removal.

4. Copies of all process and pleadings filed in Cause No. 2018-87651 have been provided to this Court.

5. Written notice of the filing of this Notice is being served on all adverse parties as required by 28 U.S.C. § 1446(d). A true and correct copy of this Notice will be filed with the District Clerk of Harris County, Texas, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Harris County and Deputy Matthew Rudolph respectfully request that this action be removed to the United States District Court.

Respectfully submitted,

OF COUNSEL:

VINCE RYAN
HARRIS COUNTY ATTORNEY

/s/ **Laura Beckman Hedge**
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ATTORNEY FOR DEFENDANTS
HARRIS COUNTY & DEPUTY MATTHEW
RUDOLPH

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2019, a true and correct copy of the foregoing was served pursuant to the Federal Rules of Civil Procedure to:

Attorney for Plaintiff

Shelly M. Davis-Smith
The Davis Law Firm
3100 Richmond Ave., Ste. 480
Houston, Texas 77098

/s/ *Laura Beckman Hedge*
LAURA BECKMAN HEDGE
Assistant County Attorney